

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Frank Overstreet

Serial No.: **10/731,055**

Filed: **December 9, 2003**

For: **Positioning Accessory for Camera-Equipped Wireless Terminals**

Docket No: **2002-020**

PATENT PENDING

Examiner: Richard Bemben

Group Art Unit: 2622

Confirmation No.: 6723

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-9300.

July 1, 2008

Date

Kathleen Koppen

This correspondence is being:

☒ electronically submitted via EFS-Web

DECLARATION OF IVAN NELSON WAKEFIELD

I, Ivan Nelson Wakefield, hereby declare as follows:

- 1) I am a Patent Engineer employed by Sony Ericsson Mobile Communications (USA) Inc., the assignee of 100% interest of the above-mentioned application entitled, "Positioning Accessory For Camera-Equipped Wireless Terminals." A copy of the Assignment Recordation is attached hereto as Exhibit 1.
- 2) At the time the above-mentioned application was prepared and filed, I was the responsible Patent Engineer for the invention described in the above-mentioned application.
- 3) On March 12, 2003, the named inventor of the above-mentioned application, Mr. Frank R. Overstreet, submitted an Invention Disclosure describing the claimed invention.

The Invention Disclosure shows conception of the claimed invention not later than March 12, 2003. A copy of the Invention Disclosure is attached hereto as Exhibit 2.

4) On information and belief, Mr. Overstreet conceived the invention claimed in above-mentioned application in the United States. As evidenced by the Invention Disclosure, Mr. Overstreet, at the time of conception, was a U.S. citizen, resided in Raleigh, N.C., and worked at Sony Ericsson Mobile Communications (USA) Inc., located in Research Triangle Park, N.C.

5) At the time of filing the above-mentioned application, it was standard business practice at Sony Ericsson for an internal review board to periodically review submitted Invention Disclosures. The review board reviewed the Invention Disclosure identified as Exhibit 2, and recommended that Sony Ericsson pursue patent protection for the idea.

6) Sony Ericsson then prepared a "request to file" letter on or about July 7, 2003, and sent the letter to outside counsel, who was Mr. David E. Bennett, a registered patent attorney with Coats and Bennett, P.L.L.C. A copy of the request to file letter to Mr. Bennett is attached hereto as Exhibit 3.

7) On or about October 9, 2003, Mr. Stephen A. Herrera, who at the time was a registered patent agent working for Coats and Bennett, sent a first draft of the application and drawings to Mr. Overstreet for his review. At the time the above-mentioned application was prepared, it was standard business practice for outside counsel to prepare a first draft of the application within approximately three (3) months of receiving the request to file letter. A copy of the letter accompanying the first draft of the application is attached hereto as Exhibit 4.

8) On or about November 25, 2003, Mr. Herrera sent a second draft of the application incorporating Mr. Overstreet's comments to Mr. Overstreet for review. A copy of the letter accompanying the second draft of the application is attached hereto as Exhibit 5.

9) On or about December 4, 2003, Mr. Herrera sent a third draft of the application incorporating Mr. Overstreet's comments to Mr. Overstreet for review. A copy of the letter accompanying the third draft of the application is attached hereto as Exhibit 6.

10) The application was filed with the U.S.P.T.O. on or about December 9, 2003, receiving U.S. Application Serial No. 10/731,055. A copy of the filing receipt is attached hereto as Exhibit 7.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 8, 2008
Date

Ivan Nelson Wakenfield
Ivan Nelson Wakenfield